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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/938,265

08/23/2001

Bart C. Thielges

1005

1181

7590

05/09/2006

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EXAMINER

LOFTIS, JOHNNA RONEE

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,265

Applicant(s)

THIELGES ET AL.

Examiner

Johnna R. Loftis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-21 and 42-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-21 and 42-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. The following is a first office action upon examination of application number 09/938,265. Claims 1-142 are pending. Claims 1-7, 22-41 and 57-142 have been withdrawn in response to restriction requirement.
2. Applicant's election without traverse of claims 8-21 and 42-56 in the reply filed on 2/21/06 is acknowledged.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of the phrase "capable of" is indefinite because it is not clear whether or not the system elements are actually performing the function that follows the "capable of" language, i.e., said functionality is not recited. For example, it is stated that the computer is "capable of" displaying an audio portion (wherein any computer inherently is capable of performing this function), but it does not distinctly claim this function. An alternative would be – the computer displays an audio portion -- this is just one example, the same correction must be made to claim 16. Please make corrections.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 8-21, 42 and 44-48 are rejected under 35 U.S.C. 102(a) as being anticipated by the article entitled “Corrigo Unveils Compelling Maintenance and Customer Service Solution for Property Managers at MultiTech2000, hereinafter referred to as Corrigo.

As per claim 8, Corrigo teaches receiving a digitized service request from the service requestor (page 2, residents access the KlikLANE portal using the internet to initiate a service request); storing the digitized service request (page 2, the service request is stored wherein the resident can access real-time status information); and transmitting the digitized service request to a computer capable of displaying the digitized service request, the computer being accessible to a receiver wherein the receiver is not the service requestor (page 2, when the resident places the service request, the appropriate maintenance associate is alerted through a mobile device).

As per claims 9-14, Corrigo teaches the receiver is a maintenance associate, but does not expressly teach the receivers recited in claims 9-14; however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ

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401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106.

As per claim 15, Corrigo teaches the computer is capable of displaying an audio portion of the digital service request (page 2, inherently the mobile computer device taught in Corrigo capable of handling audio).

As per claim 16, Corrigo teaches the computer is capable of displaying a visual portion of the digital service request (page 2, the mobile computer device displays pertinent information concerning the service request, resident's home and previous service records).

As per claim 17, Corrigo teaches the computer is a personal computer (page 2, the mobile device that displays pertinent information).

As per claim 18, Corrigo teaches the digitized service request is transmitted over the Internet (page 2, internet based)

As per claim 19, Corrigo teaches the digitized service request is transmitted over a telephony network (page 2, inherently internet communication is transmitted over telephony network in some cases).

As per claim 20, Corrigo teaches the service requestor is a tenant (page 2, service request initiated by a resident).

As per claim 21, Corrigo teaches the service requestor is a building occupant (page 2, service request initiated by a resident).

As per claim 42, Corrigo teaches receiving a service request from a service requestor, the service request being transmitted to the property management system, the service request being associated with a property having a management affiliation (page 2, residents access the

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KlikLANE portal using the internet to initiate a service request); identifying, with the property management system, a property manager by successively reviewing increasingly more general descriptions of management affiliation of the property until a property manager is identified; and relaying at least part of the service request from the service requestor to the property manager (page 2, when the resident places the service request, the appropriate maintenance associate is alerted through a mobile device).

As per claim 44, Corrigo teaches the service requestor is a tenant of the property associated with the service request, the tenant having access to the property management system (page 2, service request initiated by a resident).

As per claim 45, Corrigo teaches receiving a service request from a service requestor, the service request being transmitted to the property management system, the service request being associated with a property having a management affiliation (page 2, residents access the KlikLANE portal using the internet to initiate a service request); identifying, with the property management system, a property manager or property owner by successively reviewing increasingly more general descriptions of management affiliation of the property until a property manager or property owner is identified; and relaying at least part of the service request from the service requestor to the property manager or property owner identified (page 2, when the resident places the service request, the appropriate maintenance associate is alerted through a mobile device).

As per claim 46, Corrigo teaches the service requestor is a tenant of the property associated with the service request, the tenant having access to the property management system (page 2, service request initiated by a resident).

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As per claim 47, Corrigo teaches receiving a service request from a service requestor, the service request being transmitted to the property management system, the service request being associated with a property having a management affiliation (page 2, residents access the KlikLANE portal using the internet to initiate a service request); identifying, with the property management system, a property manager or property owner by successively reviewing increasingly more general descriptions of management affiliation of the property until a person other than a property manager is identified; and relaying at least part of the service request from the service requestor to the person (page 2, when the resident places the service request, the appropriate maintenance associate is alerted through a mobile device).

As per claim 48, Corrigo teaches the service requestor is a tenant of the property associated with the service request, the tenant having access to the property management system (page 2, service request initiated by a resident).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 43 and 49-56 rejected under 35 U.S.C. 103(a) as being unpatentable over Corrigo in view of Jones, US 6,219,648.

As per claim 43, Corrigo teaches identifying the appropriate associate to fulfill the request but does not each the identifying step is a hierarchical tree traversal search through

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successive hierarchical levels towards the root of the hierarchical tree. However, the search utilized in Corrigo is functionally equivalent to a hierarchical tree traversal since the two processes achieve the same goal and reach the same result, i.e., the identification of the appropriate person to fulfill a request. Since the two are functionally equivalent, it would have been obvious to one of ordinary skill to employ a database query tool such as this in order to identify the appropriate person to fill the request.

As per claim 49, Corrigo teaches receiving a service request from a service requestor and being received by the property management system, identifying a recipient and relaying at least part of the service request to the identified recipient (page 2, residents access the KlikLANE portal using the internet to initiate a service request; when the resident places the service request, the appropriate maintenance associate is alerted through a mobile device), but does not explicitly teach the service request having a specified level of urgency; comparing with the property management system the specified level of urgency against contact preferences previously specified by the recipient. However, Jones teaches each trouble ticket (service request) has an associated escalation level wherein based on the escalation level appropriate personnel are notified. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the escalation levels (reflecting urgency) of Jones into the Corrigo system as a way to increase response time for situations wherein immediate action must be taken. The inclusion of urgency levels would ensure tenant satisfaction and also would ensure emergency situations are taken care of promptly.

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As per claim 50, Corrigo teaches the service requestor is a tenant of the property associated with the service request, the tenant having access to the property management system (page 2, service request initiated by a resident).

As per claim 51, Corrigo teaches the recipient is a maintenance associate, but does not expressly teach the recipients recited in claims 9-14; however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); *MPEP* § 2106.

As per claim 54, Corrigo does not explicitly teach the specified level of urgency is selected from a plurality of levels. However, Jones teaches each trouble ticket (service request) has an associated escalation level wherein based on the escalation level appropriate personnel are notified. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the escalation levels (reflecting urgency) of Jones into the Corrigo system as a way to increase response time for situations wherein immediate action must be taken. The inclusion of urgency levels would ensure tenant satisfaction and also would ensure emergency situations are taken care of promptly.

As per claim 55, Corrigo does not explicitly teach the specified level of urgency is selected from low, medium, high and emergency levels. However, Jones teaches each trouble

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ticket (service request) has an associated escalation level wherein based on the escalation level appropriate personnel are notified and also numerical escalation levels (inherently reflecting low to intermediate to emergency levels). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the escalation levels (reflecting urgency) of Jones into the Corrigo system as a way to increase response time for situations wherein immediate action must be taken. The inclusion of urgency levels would ensure tenant satisfaction and also would ensure emergency situations are taken care of promptly.

As per claim 56, Corrigo teaches at least part of the service request is formatted with a message template selected based at least in part on information associated with the service request (page 2, when the resident selects the “service request” button, the resident is prompted to choose the type of service required, schedule a convenient time, etc).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kling, US 5,878,215 – system and method for processing multiple electronic transaction requests

Zey, US 6,611,275 – method of and apparatus for communicating and scheduling change requests

Harrison, US 6,990,458 – system and method for computer-aided technician dispatch and communication

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“Corrigo Streamlines Service Delivery Throughout BRE Properties’ Multifamily Portfolio”

“Corrigo Announces First Pilot Customer, BRE Properties, Inc.; Web-based Solution provider Enhances BRE’s status as Leader in Technological Innovation for the Real Estate Industry”

“AMLI Residential Launches New Web Site”

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnna R. Loftis whose telephone number is 571-272-6736. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JL
5/2/06



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